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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,877	07/07/2000	Pawan Goyal	4461	7399

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FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

EXAMINER

CHANG, SUNRAY

ART UNIT PAPER NUMBER

2121

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/611,877

**Applicant(s)**

GOYAL ET AL.

**Examiner**

Sunray Chang

**Art Unit**

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 021201-020305 9pag.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in responsive to the paper filed on February 3<sup>rd</sup> 2005.

2. Claims 1 – 25 are presented for examination.

Claims 1 – 25 are rejected.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1 – 25 are rejected** under 35 U.S.C. 102(e) as being anticipated by Brantley W. Coile (U.S. Patent No. 6,061,349, and referred to as Coile hereinafter).

4. **Regarding independent claims 1, 18, and 23 – 25,**

Coile teaches,

- A method in a computer system for associating an identifier with a virtual process, [Abstract]  
the virtual process comprising :

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- a plurality of processes; [Abstract]

the method comprising:

- starting a first process; [Fig. 4A]
- associating the first process with a virtual process identifier; [Fig. 4A, Col. 4, Line 13 – Col. 5, Line 49, Col. 7, Lines 4 – 53, and Col. 10, Lines 11 – 27]
- originating, from the first process, a second process; [Fig. 4A, Col. 4, Line 13 – Col. 5, Line 49, Col. 7, Lines 4 – 53, and Col. 10, Lines 11 – 27] and
- associating the second process with the virtual process identifier. [Fig. 4A, Col. 4, Line 13 – Col. 5, Line 49, Col. 7, Lines 4 – 53, and Col. 10, Lines 11 – 27]

**5. Regarding dependent claim 2,**

the virtual process comprises :

- a virtual private server, [Abstract]

the virtual private server comprising :

- a plurality of processes that together provide the functionality of a dedicated server application program. [Abstract]

**6. Regarding dependent claim 3,**

the first process comprises :

- a system initialization process. [Fig. 4A, Col. 7, Lines 4 – 53, and Col. 10, Lines 11 – 27]

**7. Regarding dependent claims 4, 12, and 19,**

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associating the first process further comprises:

- storing an entry in a data structure in computer memory; [Fig. 4A and 4B; Col. 10, Lines 11 – 49]

the entry comprising :

- the virtual process identifier and a process identification number of the first process. [Fig. 4A and 4B; Col. 10, Lines 11 – 49]

**8. Regarding dependent claims 5, 13, and 20,**

- intercepting a system call that creates a process; [Fig. 5 and Fig. 7; Col. 12, Line, 44 – Col. 13, Line 29] and
- associating the process being created with the virtual process identifier of a process that made the system call. [Fig. 5 and Fig. 7; Col. 12, Line, 44 – Col. 13, Line 29]

**9. Regarding dependent claims 6, 14, and 21,**

storing object code comprising :

- instructions to associate the process being created with the virtual process identifier of the process that made the system call; [Fig. 4A; Col. 10, Lines 28 – 49] and wherein

intercepting comprises :

- replacing; a pointer to the system call with pointer to the stored object code, such that making the system call causes the object code to execute. [Col. 10, Lines 28 – 49]

**10. Regarding dependent claims 7, 17,**

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storing object code comprises :

- inserting the object code into the operating system. [Col. 10, Lines 11 – 49]

**11. Regarding dependent claims 8, 15, and 22,**

inserting object code into the operating system comprises :

- loading a module into a running operating system kernel; [Col. 10, Lines 11 – 49]

the module comprising :

- the object code. [Col. 10, Lines 11 – 49]

**12. Regarding dependent claims 9, 10, 16, and 25,**

- loading, by a modified loader program [Col. 7, Lines 4 – 53], the first process into computer memory; [Col. 7, Lines 44 – 63]
- starting, by the modified loader program [Col. 7, Lines 4 – 53], the first process; [Col. 7, Lines 44 – 63] and
- storing, by the modified loader program [Col. 7, Lines 4 – 53], an entry in a data structure in computer memory; [Col. 7, Lines 44 – 63]

the entry comprising

- a virtual process identifier and a process identification number of the first process. [Col. 10, Lines 11 – 27]

**13. Regarding independent claims 11,**

- A computer program product for associating an identifier with a virtual process, [Abstract]

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the virtual process comprising

- a plurality of processes, [Abstract]

the computer program product comprising:

- program code for starting a first process; [Fig. 4A]
- program code for associating the first process with a virtual process identifier; [Fig. 4A, Col. 4, Line 13 – Col. 5, Line 49, Col. 7, Lines 4 – 53, and Col. 10, Lines 11 – 27]
- program code for originating, from the first process, a second process; [Fig. 4A, Col. 4, Line 13 – Col. 5, Line 49, Col. 7, Lines 4 – 53, and Col. 10, Lines 11 – 27]
- program code for associating the second process with the virtual process identifier; and
- a computer readable medium on which the program codes are stored. [Fig. 4A, Col. 4, Line 13 – Col. 5, Line 49, Col. 7, Lines 4 – 53, and Col. 10, Lines 11 – 27]

### **Response to Amendment**

#### **Claim Rejections - 35 USC § 102**

14. The former 35 USC 102(e) rejections based on reference Moore et al. have been withdrawn. New rejections have been cited as set forth in current office action.

### **Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Debasis Mitra et al. (Hierarchical Virtual Partitioning- Algorithms for Virtual Private Networking, Bell Labs Technical Journal, Spring, 1997) discloses a Virtual Private Network.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang  
Patent Examiner  
Group Art Unit 2121  
Technology Center 2100  
U.S. Patent and Trademark Office

March 10, 2005



**Anthony Knight**  
Supervisory Patent Examiner  
Group 3600